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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 17 March 2015 from the Permanent Mission of Panama to the United Nations addressed to the Secretary-General

The Permanent Mission of Panama to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the candidature of the Government of Panama, presented on 8 March 2012, for membership in the Human Rights Council for the period 2016-2018, in the elections to be held in New York in November 2015.

The Mission has the honour to enclose an update to the information on voluntary pledges and contributions of Panama for the promotion and protection of human rights at the national and international levels (see annex).

In this regard, the Government of Panama requests that the present letter and its annex be circulated to Member States and published on the website of the General Assembly.

* A/70/50.

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Annex to the note verbale dated 17 March 2015 from the Permanent Mission of Panama to the United Nations addressed to the Secretary-General

[Original: Spanish]

Candidature of Panama to the Human Rights Council, 2016-2018

1. Panama is a nation in which many races and faiths converge and live in peace as a result of an institutional framework that upholds democracy and the protection of human rights, concepts which are rooted in its culture and enshrined in its Constitution and legislation. Panama was demilitarized by popular will and has a long tradition of promoting dialogue as a conflict resolution mechanism both domestically and internationally.

2. Panama accords priority to convergence, tolerance, mediation, unity in diversity, integration and respect for human rights and civil liberties.

3. Its foreign policy is founded on the principle of promoting and supporting the values of peace, understanding, solidarity, the rule of international law in all its forms and cooperation for shared prosperity.

4. Panama played a leading role in the drafting of the Universal Declaration of Human Rights in 1948. The former President of Panama, Ricardo J. Alfaro, one of the champions of the Declaration, submitted the first draft of the document and proposed that it should be included in the Charter of the United Nations. While the draft presented by Mr. Alfaro was not adopted, the diplomats gathered in San Francisco in May 1948 did establish a Commission on Human Rights. Panama was a member of that Commission several times. Following the 2005 World Summit, from 2006 to 2007, Panama, through its Permanent Mission to the United Nations in New York, actively contributed to the establishment of the Human Rights Council. The Permanent Representative at the time, Mr. Ricardo A. Arias, served as co-Chair during the discussions that led to the decision to replace the aforementioned Commission with the Human Rights Council, to serve as an organ of the General Assembly.

5. The Republic of Panama hereby presents its first ever candidature to the Human Rights Council, for the period 2016-2018 and, in accordance with General Assembly resolution 60/251, submits the following for consideration by the members of the Assembly.

Progress in the area of human rights

6. The State of Panama is determined to protect and strengthen the exercise of human rights through the adoption of laws and international conventions and the implementation of policies to foster respect for those rights. The Constitution sets forth individual and social rights and duties, fundamental guarantees and the right to culture, education, health care and social security with a view to building an equitable society without distinction as to creed, race, religion or political affiliation. The State promotes and protects the fundamental rights of citizens and foreign nationals throughout its territory.

7. Panama also has a national human rights institution, the Office of the Ombudsman, an independent entity that monitors the promotion and protection of

the rights and fundamental guarantees enshrined in the Constitution and in international conventions. In 1999, the Office of the Ombudsman was granted "A" status accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights; that accreditation was reconfirmed in 2006.

8. Furthermore, a number of new autonomous and semi-autonomous institutions were set up to monitor and promote a wide range of economic, social and cultural rights; these bodies include the National Institute for Women, the National Secretariat for Disabilities, the Executive Secretariat of the African Descendant Ethnic Group, the National Council on Childhood, Adolescence and the Family, the Committee for the Prevention of Violence against Women and the Vice Ministry of Indigenous Affairs.

9. In addition, Panama has signed most of the human rights conventions and protocols.[1] In response to the 2010 universal periodic review, Panama ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the International Convention for the Protection of All Persons from Enforced Disappearance. The State also submitted to the Human Rights Council an open invitation to the special procedures and mechanisms of the universal and regional human rights systems.

10. Panama has also ratified the eight fundamental Conventions of the International Labour Organization in order to guarantee human rights in the workplace; as such, it provides the necessary framework to endeavour to improve conditions for decent individual and collective labour.

11. The Government of the Republic of Panama considers that the cycles of the universal periodic review have contributed significantly to strengthening the human rights agenda in the country. As an outcome of the first cycle in 2010, Panama established, by executive decree, a national standing commission to ensure implementation and follow-up of the commitments undertaken at the national and international levels. The role of this commission is, inter alia, to prepare national human rights reports, to participate in the development and coordination of Government policies and actions to protect human rights, and to promote the drafting of bills on the subject. Its reports are the product of a wide consultation process between officials of the three branches of the Government, including the Office of the Ombudsman, and with the participation of academics, national and foreign human rights experts, and civil society organizations.

12. The initiatives resulting from the first universal periodic review cycle include:

(a) The establishment of the Anti-Discrimination Unit in the Office of the Ombudsman. In 2013, the Unit worked with the Office of the United Nations High Commissioner for Human Rights to draft a protocol to receive complaints concerning cases of racial discrimination against indigenous people and people of African descent;

[1] With the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

(b) The establishment of the Prisons Training Academy within the Directorate-General of Prisons, with a view to providing public servants and other individuals working in the prisons with academic training in technical subjects relating to the penitentiary system, in particular criminal enforcement. With the assistance of the Association for the Prevention of Torture and the United Nations Office on Drugs and Crime, the Academy developed training courses on the prevention, investigation and punishment of acts of torture;

(c) A bill on judicial service was submitted to the National Assembly. The proposed law, inter alia, establishes a special jurisdiction on integrity and transparency in the judiciary, which will be responsible for prosecuting offences committed by judicial officials and applying the resulting penalties. In addition, a judicial council was established to serve as an advisory body in the judicial branch on issues concerning the Government system. Its functions include ensuring the independence and effectiveness of the courts and guaranteeing officials in the justice system access to the benefits of judicial service. At times, the council invites civil society representatives to participate in its activities;

(d) The judicial branch created the Coordinating Office on Projects to Support Vulnerable Groups. Pursuant to Act No. 82 of 2013 (which sets out measures for the prevention of violence against women and amends the Penal Code to criminalize femicide and sanction acts of violence against women), women who are victims of violence receive free legal aid regardless of their socioeconomic situation. The Act also established the Community Legal Assistants Programme, a mechanism aimed at helping people in vulnerable situations to overcome the administrative and legal barriers that limit their effective access to justice. Additionally, the Programme promotes joint, community-supported activities that contribute to fulfilling the promise of an institutional policy of social service and preventive justice;

(e) The adversarial model has been gradually introduced into the criminal justice system based on the recognition of the rights and fundamental guarantees of those involved in criminal conflict;

(f) The executive branch established various safety programmes that involve civil society, including the "Vigilant Neighbours", "Vigilant Drivers" and "Safe Neighbourhoods" programmes, which provide support to and maintain direct contact with police stations, with a view to collectively ensuring the monitoring and protection of the lives and property of the general population;

(g) In order to document reports of sexual offences, a hotline staffed by qualified personnel was established; the National Police also has a specialized unit that investigates such crimes. Furthermore, the training offered to police units was enhanced through the addition of subjects, including human rights, preventing and responding to gender-based violence, assisting young people at social risk and gangs, into the academic curriculum;

(h) The Secretariat for the Protection of Victims, Witnesses, Experts and Persons Involved in Criminal Proceedings was equipped to provide specialized care to children and adolescents;

(i) Following the ratification and entry into force of the United Nations Convention against Transnational Organized Crime and its three Protocols, the Republic of Panama adopted Act No. 79 of 2011, on trafficking and related

activities, which sets out measures for the prevention of this crime and the protection and care of victims;

(j) Act No. 55 of 2003, which restructures the prison system, and Executive Decree No. 393 of 2005, which regulates the Panamanian penitentiary system, sets out the minimum standards for the treatment of prisoners, based on international human rights standards. The State of Panama recognizes that these standards are not yet being fully implemented. However, efforts have been made recently to advance concrete measures aimed at achieving the objectives of those standards. Such measures include a protocol that authorizes human rights organizations to visit prisons as a means of ensuring the transparency of prison management;

(k) Significant progress has been made on gender issues, including the passage of legislation criminalizing femicide and laws on human trafficking and female sterilization, and the adoption of a public policy on equal opportunities for women, following consultations with civil society. The State notes that in the area of economy and labour, women have increased their participation in the labour market, although this has occurred largely in the informal sector. Despite this increase, women have yet to be offered equal pay and equal opportunities to hold leadership and decision-making positions;

(l) The National Secretariat on Childhood, Adolescence and Family was established. It has implemented plans, programmes and measures that aim to protect children and adolescents, taking into account their vulnerable status;

(m) Public policies to benefit children prioritized the drafting of a National Plan on Early Childhood Care; the Plan has been developed and its implementation has begun. The Advisory Council on Early Childhood was established. Its membership includes representatives of public institutions, civil society and the private sector;

(n) Child labour prevalence was significantly reduced. The latest survey on child labour, conducted in 2012, indicates that 50,410 boys and girls between the ages of 5 and 17 were part of the economically active population. That figure represents 5.6 per cent of the total number of children in that age group, a decrease from the figure of 10.8 per cent reported in 2008. However, while the country has made progress in respect of the numbers revealed in previous surveys, the annual rate of reduction is only 1 per cent. It is therefore clear that efforts to eradicate child and adolescent labour and create opportunities for this population to overcome poverty and vulnerability must be redoubled;

(o) The institutional structure for the protection and promotion of indigenous rights has been strengthened. Act No. 88 of 2010, which recognizes the languages and alphabets of the indigenous peoples of Panama and sets out standards for bilingual intercultural education; Act No. 11 of 2012, which establishes a special regime for the protection of mineral, water and environmental resources in the region of Ngäbe-Buglé; and Act No. 33 of 2012, which creates new districts and townships within the Ngäbe-Buglé region, were promulgated. The Vice Ministry of Indigenous Affairs was established through Act No. 64 of 2013.

13. It is estimated that the implementation of the Government Plan for the five-year period from 2014-2019 will help guarantee indigenous peoples' rights and facilitate their exercise, particularly those rights relating to land and natural resources, large-scale investment projects, self-governance and participation, as well

as economic and social rights, including rights concerning economic development, education and health.

14. The Plan reaffirms Panama's commitment to maintaining a continuous dialogue to ensure that regional public policies are developed in consultation with indigenous peoples. Furthermore, respect is shown for the customs and traditions of indigenous peoples and for the right of their traditional authorities to be consulted and involved in decisions that affect their regions.

Voluntary pledges and commitments

15. In presenting its candidature for election to the Human Rights Council for the period 2016-2018, Panama makes the following commitments at the national level:

(a) To effectively implement the recommendations received as a result of the universal periodic review and those offered by treaty monitoring bodies, and to develop a system for monitoring the implementation of such recommendations, in collaboration with the regional office of the Office of the United Nations High Commissioner for Human Rights and in consultation with civil society organizations;

(b) To ensure that international human rights provisions are incorporated into national legislation, at the constitutional level, where possible, so as to offer the highest degree of protection provided by the country's legal system;

(c) To promulgate comprehensive anti-discrimination legislation that prohibits discrimination in all its forms, including racial and ethnic discrimination, and provides effective implementation mechanisms and resources to establish appropriate civil and criminal penalties for acts of discrimination committed by both public and private actors;

(d) To establish the same legal minimum age of marriage for both sexes. The Government of Panama committed to the agenda on the rights of children and pledged to invest in efforts to reduce the inequity and inequality faced by children and adolescents; in this regard, a bill was presented which amends the Family Code and sets the age of marriage at 18;

(e) To create a national mechanism for the prevention of torture;

(f) To adopt a law that establishes a comprehensive system for the protection of children;

(g) To build a shelter for victims of human trafficking that will provide basic services (accommodation, food, health care, etc.) and specialized interdisciplinary care;

(h) To dedicate special efforts to reducing impunity for crimes of domestic violence against women, including femicide, and sexual crimes against children and adolescents;

(i) To allocate resources to strengthen the National Institute for Women and thus support its effective implementation of Act No. 4 of 1999, on equal opportunities for women, and Act No. 82 of 2013, on preventing violence against women;

(j) To align the procedures for determining refugee status with international standards;

(k) To ensure that human rights education is part of the country's school curricula.

16. At the regional level, Panama commits to:

(a) Continue to support the strengthening of the inter-American human rights system and the implementation of its recommendations;

(b) Promote cooperation among the mechanisms of the inter-American human rights system and those of the United Nations;

(c) Support the regional strategy of the Office of the United Nations High Commissioner for Human Rights.

17. With regard to the Human Rights Council, Panama commits to:

(a) Promote the notion that human rights are universal, indivisible, inalienable, interdependent and mutually reinforcing as well as the concept of the interdependence of development, peace and security and human rights in the Council's activities;

(b) Support the strengthening of international cooperation, in the context of the post-2015 development agenda, as a tool that facilitates and expedites the effective implementation of all human rights;

(c) Promote the highest human rights standards at the global level and foster the development of more and better indicators to improve the monitoring and discussion of such standards;

(d) Strengthen the status of the Human Rights Council as the principal United Nations human rights body;

(e) Support the activities of the Human Rights Council and of its bodies, procedures and special mechanisms in the promotion and protection human rights;

(f) Promote the strengthening of the universal periodic review mechanism;

(g) Support the creation of a mechanism to review and assess on an annual basis the degree to which both Council members and candidates cooperate with the Council and its special procedures, in order to determine the composition of the Council;

(h) Participate actively in the evaluations carried out by means of the universal periodic review process, making recommendations that are responsive to the needs of the States under consideration and that generate dialogue and cooperation;

(i) Ensure that the concept of the exercise of all human rights includes the use of new information technology, such as the Internet;

(j) Support initiatives to mainstream gender equality into all United Nations human rights activities, promote women's economic empowerment and ensure their right to health, including sexual and reproductive health;

(k) Call for more attention to be devoted to the status of girls and their empowerment;

(l) Support the Council's efforts to combat torture and cruel, inhuman and degrading treatment, including by strengthening of the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

(m) Support initiatives aimed at protecting the life and dignity of human rights defenders;

(n) Back initiatives of the President of the Council that aim to immediately put an end to the intimidation and harassment of individuals and groups that cooperate or seek to cooperate with United Nations human rights mechanisms;

(o) Foster open and honest dialogue with the special procedures and mechanisms of the Human Rights Council and maintain an open invitation for them to visit the country;

(p) Protect the independence of the Office of the United Nations High Commissioner for Human Rights and support an increase in its budget to enable it to effectively carry out its work;

(q) Ensure that the Council fulfils its mandate to strengthen the promotion and protection of human rights throughout the world and to address human rights violations;

(r) Demand, as appropriate in emergency situations, an effective and immediate response from the system for the protection of human rights.